

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 7033 – SB 7028

August 21, 2023

SUMMARY OF BILL: Requires a bail hearing that is open to the public for any defendant who has been arrested or held to answer for a bailable offense. Effective October 1, 2023.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-11-105(a), when a defendant has been arrested or held to answer for any bailable offense, the defendant is entitled to be admitted to bail by the committing magistrate, by any judge of the circuit or criminal court, or by the clerk of any circuit or criminal court. The clerk of any circuit or criminal court may only admit the defendant to bail when the judge is not present in the court and the clerk reasonably believes that the judge will not be present within three hours after the defendant has been committed to the county or city jail, following arrest.
- The proposed draft legislation requires a defendant only be admitted to bail following a bail hearing that is open to the public.
- Pursuant to Tenn. Code Ann. § 40-11-115, any person charged with a bailable offense may, before a magistrate authorized to admit the person to bail, be ordered released pending trial on the person's personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the magistrate.
- Pursuant to Tenn. Code Ann. § 40-11-118(a)(2), bail is required to be set as low as the court determines is necessary to reasonably assure the appearance of the defendant as required.
- It is assumed requiring a bail hearing be open to the public for any defendant who has been arrested or held to answer for a bailable offense will not significantly increase the number of days these defendants are incarcerated pretrial or have any significant impact on the hearing process.
- Any increase in expenditures to state or local government related to incarceration is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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